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**TITLE 60 OVERSIGHT COMMITTEE ON PUBLIC RECORDS**

**Proposed Rule**  
LSA Document #20-633

**DIGEST**

Adds [60 IAC 5](#) to regulate access to health records at the Indiana archives and records administration.  
Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

**[60 IAC 5](#)**

SECTION 1. [60 IAC 5](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 5. ACCESS TO HEALTH RECORDS**

**Rule 1. Definitions; Application**

**[60 IAC 5-1-1](#) Definitions**

Authority: [IC 5-15-5.1-20](#)

Affected: [IC 5-15-5.1](#); [IC 16-18-2-168](#); [IC 16-18-2-226](#)

Sec. 1. As used in this article, unless the context clearly requires another meaning, the following definitions apply throughout this article:

(1) "Health records" has the definition set forth in [IC 16-18-2-168](#).

(2) "Mental health records" has the definition set forth in [IC 16-18-2-226](#).

*(Oversight Committee on Public Records; [60 IAC 5-1-1](#))*

**[60 IAC 5-1-2](#) Release of Records**

Authority: [IC 5-15-5.1-20](#); [IC 16-39-2-6](#); [IC 16-39-5-3](#)

Affected: [IC 5-15-5.1](#)

Sec. 2. (a) Researchers requesting access to restricted health records, including mental health records, must submit a written application to the Indiana archives and records administration (IARA) privacy committee. The application must include:

- (1) the records to be used;
- (2) why the records are necessary for the research; and
- (3) an explanation of how identities will be concealed.

(b) IARA may provide access to health records for preparatory use only without approval by the IARA privacy committee.

*(Oversight Committee on Public Records; [60 IAC 5-1-2](#))*

**[60 IAC 5-1-3](#) IARA Privacy Committee**

Authority: [IC 5-15-5.1-20](#); [IC 16-39-2-6](#); [IC 16-39-5-3](#)

Affected: [IC 5-15-5.1](#)

Sec. 3. (a) The IARA privacy committee must include:

- (1) two (2) members of the Indiana state archives division;
- (2) the executive director of the Indiana archives and records administration;
- (3) the director of the family and social services administration division of mental health and addiction, or the director's designee; and

**(4) the director of the Indiana state library, or the director's designee.**

**(b) The IARA privacy committee shall respond to the research request within thirty (30) days of receiving the request.**

**(c) The IARA privacy committee must reach a majority for approval of the submitted application.**

**(d) The IARA privacy committee shall provide a statement to the requestor explaining the decision. The decision is final, although the committee may allow the requestor to resubmit an application.**

*(Oversight Committee on Public Records; [60 IAC 5-1-3](#))*

[Notice of Public Hearing](#)

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